

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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JAMES WISE,

Plaintiff,

v.

UNITED PARCEL SERVICE, INC.,

and

CIVIL ACTION NO.: 18-01989

INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS,

and

TEAMSTERS LOCAL 776,

Defendants.

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**MOTION TO DISMISS COUNT III PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 12(b)6 ON BEHALF OF DEFENDANT, UNITED  
PARCEL SERVICE, INC.**

Defendant United Parcel Services, Inc. (hereinafter “UPS” or “Moving Defendant”), through its undersigned counsel, hereby files this Motion to Dismiss Count III of Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). Defendant incorporates by reference the arguments set forth in the

accompanying memorandum.

Respectfully submitted,

**JACKSON LEWIS P.C.**

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ATTORNEYS FOR DEFENDANTS

Date: January 2, 2019

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing ***Motion to Dismiss Count III Pursuant to Federal Rule of Civil Procedure 12(B)6 on Behalf of Defendant, United Parcel Service, Inc.*** was served via the Court's ECF System, this 2<sup>nd</sup> day of January, 2019, upon the following Counsel of record:

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